



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

JUL 11 2016

**Via Certified Mail No.: 7014 1820 0000 4722 5119
Return Receipt Requested**

**In Reply Refer to:
Lupton Petroleum Products, Inc.**

Brad Hall
President & CEO
Lupton Petroleum Products, Inc.
PO Box 50620
Idaho Falls, ID 83405

RE: Request for Information

Dear Mr. Hall:

The United States Environmental Protection Agency ("EPA") Region IX is aware of a fire that occurred on or about January 26, 2016, at the Lupton Petroleum Products, Inc. (the "Company") facility located at or near I-40 exit 359 in Lupton, Arizona (the "Facility"). EPA is opening an investigation to evaluate the Company's compliance at the Facility with Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9603; Sections 302 through 312 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. §§ 11002 – 11022; and Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r).

The request for information enclosed with this letter ("Information Request") seeks information and documents relating to the Company's compliance with the above-referenced requirements. The information request is authorized pursuant to the following federal environmental statutes:

- Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq.
- Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11001 et seq.
- Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

Please provide copies of the requested documents to EPA such that they arrive by no later than August 15, 2016. Submittals should be made electronically to the extent feasible. EPA believes that much of the requested information is, or should be, readily available to the Company. The Company's response should be directed to:

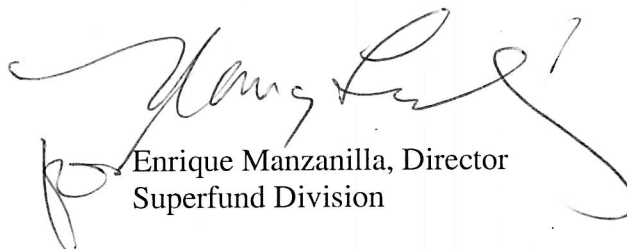
Jeremy Johnstone (SFD-9-3)
Environmental Engineer
US EPA Region IX
75 Hawthorne St.
San Francisco, CA 94105
johnstone.jeremy@epa.gov

Notice is hereby given, pursuant to 40 CFR §§ 2.301(h) and 2.310(h), that EPA may disclose confidential information provided by the Company to EPA's authorized representatives, including its contractor, Eastern Research Group. Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR §§ 2.301(h) and 2.310(h), the Company may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives. Please see the instructions enclosed with this letter.

Please note that the Company's compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), or Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These statutory provisions authorize EPA to seek penalties up to \$37,500 for each day of noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

If you have questions about the legal aspects of this Information Request, please contact Ms. Madeline Gallo, U.S. EPA Assistant Regional Counsel, at (415) 972-3539 or gallo.madeline@epa.gov. The Region IX technical contact for this information request is Jeremy Johnstone, Environmental Engineer. Mr. Johnstone can be reached at (415) 972-3499 or johnstone.jeremy@epa.gov. We thank you in advance for your cooperation.

Sincerely,



Enrique Manzanilla, Director
Superfund Division

Enclosure - Information Request (CBI Instruction, Instructions, Definitions, Questions)

cc (w/enclosure):

J. Johnstone, U.S. EPA Region IX
M. Gallo, Esq., U.S. EPA Region IX



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REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

Enclosure

Information Request
Lupton Petroleum Products, Inc.

Please provide the information requested in the Information Request section of this Enclosure such that it is received by no later than August 15, 2016.

INSTRUCTIONS

1. Please provide a separate response to each request, and identify each response by the number of the request to which it corresponds. For each document produced, identify the request to which it is responsive.
2. Knowledge or information that has not been memorialized in any document, but is nonetheless responsive to a request, must be provided in a narrative form.
3. The scope of this Information Request includes all information and documents obtained or independently developed by the Company, its attorneys, consultants or any of their agents, consultants, or employees.
4. The Company may not withhold any information from EPA on the grounds that it is confidential business information. EPA has promulgated regulations, under 40 CFR Part 2, Subpart B, to protect confidential business information that it receives. The Company may assert a business confidentiality claim (in the manner specified in 40 CFR § 2.203(b)) for all or part of the information requested by EPA. However, business information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 CFR § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 CFR Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
5. If information or documents not known or available to the Company at the time of its response to this Information Request later become known or available to it, it must supplement its response to EPA. Moreover, should the Company find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Company must notify EPA as soon as possible and provide EPA with a corrected response.
6. If information responsive to a request is not in the Company's possession, custody, or control, identify the persons or entities from whom such information may be obtained. For each individual or entity that possesses responsive information, please provide the following: name, last known or current address, telephone number, and affiliation with the Company or the Facility.
7. If you believe there are grounds for withholding information or documents that are responsive to this request, e.g., attorney-client privilege, you must identify the information or documents and state the basis for withholding the information.

DEFINITIONS

The following definitions apply to the following terms (words or phrases) as they appear in this Information Request. Defined terms are enclosed in quotation marks:

1. "You" or the "Company" shall mean Lupton Petroleum Products, Inc., or its officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. "Facility" or "Refinery" means all buildings, equipment, structures, installations, pipes, or stationary items owned, leased, or operated by Lupton Petroleum Products, Inc., at the property or properties located at or near I-40 exit 359 in Lupton, AZ, or contiguous or adjacent to that address.
3. "Document" or "documents" shall mean any printing, typing, writing, photostat, or any other copy, microfilm, film record, video record, CD, sound recording, tape, disc, or other type of memory associated with computers, including any instructions necessary to read such material, and any other tangible item recording information.
4. "Chemical" shall mean any extremely hazardous substance listed in Appendices A and B of 40 CFR Part 355; any hazardous substance, as defined in Section 101(14) of CERCLA, including any mixtures of hazardous substances with any other substances, such as petroleum products; and any pollutant or contaminant, as defined in Section 101(33) of CERCLA, including any mixtures of pollutants or contaminants with any substances, such as petroleum products.
5. "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.
6. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the CAA, CERCLA, EPCRA, 40 CFR Part 68, 40 CFR Part 300, or 40 CFR Part 355, in which case the statutory or regulatory definitions shall apply.

INFORMATION REQUEST

GENERAL INFORMATION

1. Provide a Facility map and plot plan.
2. Provide a management organizational chart for the Facility (include identification of personnel with environmental responsibilities).
3. Provide a description of the Facility and its operations.
4. Provide a Block Flow Diagram of the Facility's processes.

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW (EPCRA)

1. Provide copies of the Facility's hazardous chemical inventory information (Tier II report) for reporting years 2013, 2014 and 2015 as provided to the applicable State Emergency Response Commission ("SERC"), Tribal Emergency Response Commission ("TERC"), Local Emergency Planning Committee ("LEPC") and local Fire Department.

CLEAN AIR ACT SECTION 112(r)(1) – GENERAL DUTY CLAUSE

1. Provide information and supporting documentation, as requested below, to document compliance with the General Duty Clause of CAA § 112(r)(1).
 - a. Process Safety Information ("PSI")
 - i. Provide a list of all process equipment and the following PSI documentation for the listed equipment:
 1. Environmental, health and safety concerns
 2. Process descriptions
 3. Process flow diagrams
 4. Safe operating limits
 5. Consequences of deviation
 - b. Process Hazard Analysis ("PHA")
 - i. Provide a copy of the Facility's policy and procedures pertaining to PHAs;
 - ii. Provide a table listing all past PHA completion dates and scheduled PHAs;
 - iii. Provide a copy of the most recent PHA summary report. Include the list of findings and recommendations, description of resolutions or projected resolution dates, and responsibility assignment. Include the most recent PHA program findings and recommendations tracking report.
 - c. Operating Procedures ("OPs")
 - i. Provide a list of all operating procedures for process equipment at the Facility including all phases of operations and dates of last revision.

- d. Training
 - i. Provide a description of the training requirements for, and the applicable policy and procedures pertaining to, the following positions at the Facility:
 - 1. Supervisors
 - 2. Operators
 - 3. Maintenance personnel
 - 4. Inspectors
- e. Mechanical Integrity
 - i. Provide a list of all inspection, testing and preventive maintenance ("ITPM") procedures used at the Facility including the title, date of last revision and responsible personnel.
 - ii. Provide a description of ITPM activities at the Facility that are undertaken in accordance with American Petroleum Institute ("API") Standard 510, API Standard 570 and/or API Standard 653.
 - iii. Provide a list of ITPM activities undertaken in accordance with API 510, API 570 and/or API 653 since January 1, 2000. For each listed activity indicate, at a minimum:
 - 1. Date
 - 2. Equipment identification
 - 3. Inspection performed by (provide third party company names if applicable)
 - 4. Applicable API Standard (510, 570 or 653)
- f. Hot work permits, Lockout/Tagout, Confined Space Entry
 - i. Provide a copy of the Facility's policy and procedures pertaining to hot work permits, lockout/tagout procedures and confined space entry procedures.
- g. Management of Change
 - i. Provide a copy of the Facility's policy and procedures pertaining to the management of changes to Facility processes.
- h. Contractor Safety
 - i. Provide a copy of the Facility's policy and procedures pertaining to the procurement and oversight of contractors;
 - ii. Provide a description of the Contractor Management program, including the name and title of each person responsible for implementation of the program; and
 - iii. Provide a description of work for which contractors are utilized at the Facility.
- i. Emergency Action/Response Plan
 - i. Provide a copy of the Facility's Emergency Action Plan (developed pursuant to 29 CFR § 1910.38) or Emergency Response Plan (developed in accordance with 29 CFR § 1910.120), as appropriate.

- j. Incident Investigation
 - i. Provide a copy of the Company's internal Incident Investigation report concerning the fire/explosion that occurred at the Facility on or about January 26, 2016.
- k. Chemical Inventory
 - i. In addition to the information submitted in response to EPCRA Question 1 above, provide a table or other compilation of information showing
 - 1. for the 15th day of each month beginning January 2015 and continuing through June 2016
 - 2. both a description of and the quantity of the contents of each API 510 pressure vessel and API 650 tank at the Facility.

Confidential Business Information (CBI) Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to EPA's request for information as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, if EPA requests substantiation, you will have to answer the following questions, giving as much detail as possible, in accordance with 40 CFR § 2.204(e).

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your responses?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

8. Any other issue you deem relevant

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B), and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of

substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.